

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 05-0720V

Filed: 16 June 2010

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ROBERTO GARCIA, *

Petitioner, *

v. *

SECRETARY OF HEALTH AND
HUMAN SERVICES, *

Respondent. *

* * * * *

Decision on Proffer and Acceptance;
Td; Guillain-Barré Syndrome

Ronald Craig Homer, Esq., Conway, Homer & Chin-Caplan, Boston, Massachusetts, for Petitioner;
Linda Sara Renzi, Esq., United States Department of Justice, Washington, District of Columbia, for Respondent.

UNPUBLISHED DECISION UPON PROFFER AND ACCEPTANCE¹

On 5 July 2005, Petitioner brought a petition under the National Childhood Vaccine Injury Act of 1986 (“Vaccine Act” or “Act”).² On 12 November 2008, the Court ruled that Petitioner is entitled to compensation. On 1 June 2010, Respondent filed a proffer to compensate Petitioner for all injuries compensable by the Vaccine Program. On 16 June 2010, Petitioner filed an Acceptance of the Proffer, accepting the amounts contemplated in the Proffer.

The Proffer contemplates the following payments:

¹ Petitioner is reminded that, pursuant to 42 U.S.C. § 300aa-12(d)(4) and Vaccine Rule 18(b), a petitioner has 14 days from the date of this ruling within which to request redaction “of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, “the entire decision” may be made available to the public per the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

² The statutory provisions governing the Vaccine Act are found in 42 U.S.C. §§300aa-10 *et seq.* (West 1991 & Supp. 1997). Hereinafter, reference will be to the relevant subsection of 42 U.S.C.A. §300aa.

A lump sum payment of \$566,130.56 in the form of a check payable to Petitioner, which amount represents the discounted present value of life care expenses for the duration of Petitioner's life (\$421,095.17), pain and suffering (\$145,035.39): items of compensation to which Petitioner is entitled under 42 U.S.C. § 300aa-15(a).

Petitioner accepts these proffered amounts as the total amount attributable to the vaccine-related injury ruled by the Court to be entitled to compensation.

Wherefore, by the proffer and acceptance of the parties, and for good cause shown, the Court awards the foregoing compensation for the vaccine-related injury(ies) for which Petitioner shall be compensated. The Court accepts these terms as just and reasonable. In the absence of a motion for review filed pursuant to Vaccine Rules 23 and 24, the Clerk is directed to enter judgment in accord with this Decision.³ Any problems or queries should be directed to my law clerk, Isaiah Kalinowski, Esq., at 202-357-6351.

IT IS SO ORDERED.

s/ Richard B. Abell
Richard B. Abell
Special Master

³ Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review of this decision by a Court of Federal Claims judge. Then, under Vaccine Rule 12(a), Petitioner may expedite payment by filing an election to accept the judgment.